

EXPRESS MAIL LABEL NO. EL 3849220 4465
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Atty Docket No. 109272-xxx ; Client Docket No. MIC-001DIV1 US)

Serial No.:	TBA)	
Filed:	herewith)	Group Art Unit:
Inventors:	Busby <i>et al.</i>)	Before the Examiner:
Title:	METHODS FOR IMPROVING)	
	SECONDARY METABOLITE)	
	PRODUCTION IN FUNGI)	

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Hon. Assistant Commissioner for Patents:

Prior to fee calculation and substantive examination of the above-identified patent application, please enter the following amendments. Applicants believe that no charge is required for this communication, but authorize the Office to charge our deposit account no. 08-0219 for any required fees.

Amendments

In the specification:

Please add in the line above **BACKGROUND OF THE INVENTION** the following sentence --This is a divisional of U.S. Serial No. 09/487,558 (pending), filed 19 January 2000.--

In the claims:

Please cancel claims 1-56 and 74-101.

Please enter amended claims 61-63, 67, 70 and 102 as follows.

61. (Amended) The method according to claim 57, wherein the modulation is overexpression of the gene.

62. (Amended) The method according to claim 57, wherein the modulation is conditional expression of the gene.

63. (Amended) The method according to claim 57, wherein the modulation is expression of a dominant mutation of the gene.

67. (Amended) The method according to claim 57, wherein the modulation is mediated by a peptide modulator of gene expression.

70. (Amended) The method according to claim 57, wherein the modulation is mediated by a small molecule modulator of gene expression.

102. (Amended) A genetically modified fungus, wherein the genetically modified fungus has an ability to produce secondary metabolites and the ability of the genetically modified fungus to produce secondary metabolites has been improved by any of the methods of claims 57-73.


Remarks

Claims 57 through 73 and 102-103 are pending upon entry of this preliminary amendment. Claims 61-63, 67 and 70 were amended to eliminate multiple dependencies. Claim 102 has been amended to make it dependent on the remaining non-multiple-dependent claims. None of these amendments are for any purpose related to patentability. These claims correspond to Group V of the restriction requirement mailed 15 December 2000 in Serial No. 09/487,558, the parent of this case.

If the Examiner believes that any discussion of this communication would be helpful, she is invited to contact the undersigned attorney by telephone at (617) 526-6250.

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Respectfully submitted,
HALE AND DORR LLP

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Dated: 7 March 2001

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Appendix: changes made in claims by amendment

61. (Amended) The method according to [any of claims 57-60] claim 57, wherein the modulation is overexpression of the gene.

62. (Amended) The method according to [any of claims 57-60] claim 57, wherein the modulation is conditional expression of the gene.

63. (Amended) The method according to [any of claims 57-60] claim 57, wherein the modulation is expression of a dominant mutation of the gene.

67. (Amended) The method according to [any of claims 57-60] claim 57, wherein the modulation is mediated by a peptide modulator of gene expression.

70. (Amended) The method according to [any of claims 57-60] claim 57, wherein the modulation is mediated by a small molecule modulator of gene expression.

102. (Amended) A genetically modified fungus, wherein the genetically modified fungus has an ability to produce secondary metabolites and the ability of the genetically modified fungus to produce secondary metabolites has been improved by any of the methods of claims [1-101] 57-73.

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